

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLEMENTE TUIELE ATOFAU,

Defendant.

CASE NO. CR17-0153-JCC

ORDER

This matter comes before the Court on Defendant's motion to compel discovery (Dkt. No. 29). Defendant seeks discovery as to the identity of a confidential informant used in the investigation of this case. (*Id.* at 1.) The defense asserts it has reason to believe the informant supplied Defendant with the guns that underlie two of his charges. (*Id.*) On this basis, Defendant seeks discovery as to the informant's identity to prepare a potential entrapment defense. (*Id.*)

Given its important task of balancing the "public interest in protecting the flow of information" to police and Defendant's "right to prepare [a] defense," the Court finds it appropriate to obtain further information before deciding Defendant's motion. *See Rovario v. United States*, 353 U.S. 52, 62 (1957). Defendant is ORDERED to provide an *ex parte* proffer regarding its investigation into the identity of the informant and facts supporting a potential entrapment defense. Such information shall be filed *ex parte*, under seal no later than **Monday, May 7, 2018**.

1 DATED this 3rd day of May 2018.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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